

Remarks/Arguments

In the Non-Final Office Action dated January 28, 2010, it is noted that claims 1-13 are pending in this application; that claims 9-13 have been withdrawn from consideration; that objection has been raised to claims 2-5 as being dependent from a rejected base claim; that claims 1 and 6 stand rejected under 35 U.S.C. §102; and that claims 7-8 stand rejected under 35 U.S.C. §103.

By this response, the claims have been amended. Claims 1 and 8 have been cancelled without prejudice. Claims 2 and 5 have been amended to be in independent form to include all the limitations of base independent claim 1. No other claims intervene claims 2 and 5 and their respective base claim. Claim 6 has been amended to be dependent from claim 2. Claim 7 has been amended to include limitations in a method form substantially similar to those present in apparatus claim 5. These amendments are supported by at least the original drawings, specification, and claims. No new matter has been added.

Information Disclosure Statement

A new Information Disclosure Statement is being filed concurrent with the present response. The document included in the IDS is Japanese Kokai Patent Publication No. Sho 63[1988]-116277, for which an English translation and an abstract from Patent Abstracts of Japan are being provided.

Priority

It is noted that the Examiner has requested the certified copy of the priority application on page 2 of the present Office Action. Please find the requested document enclosed herewith in satisfaction of the requirements in 35 U.S.C. §119.

Allowable Subject Matter

Claims 2-5 have been objected to as being dependent from a rejected base claim. It has been stated that these claims would be allowable if rewritten in independent form to include all the limitations of the respective base claim and any intervening claims. Claims 2 and 5 have

been rewritten in independent form to include all the limitations of the respective base claim. No claims are found to intervene either claim 2 or 5 as previously presented.

Applicant's representative again thanks the Examiner for carefully reviewing the claims and maintaining the subject matter therein as being allowable. In view of the amendments to these claims, it is submitted that amended claims 2 and 5 and the claims dependent thereon, namely, claims 3, 4, and 6, are all allowable over the cited references.

Cited Art

The following references have been cited and applied in the present Office Action: U.S. Patent 6,243,133 to Spaulding et al. (hereinafter, "*Spaulding*"); and U.S. Patent 5,568,596 to Cawley (hereinafter, "*Cawley*").

Rejection of Claims 1 and 6 under 35 U.S.C. §102

Claims 1 and 6 stand rejected under 35 U.S.C. §102 as being anticipated by Spaulding. Claim 1 stands rejected under 35 U.S.C. §102 as being anticipated by Cawley.

Since claim 1 has been cancelled without prejudice, the rejection of this claim is believed to be moot. Since claim 6 has been amended to be dependent from claim 2, which itself was amended to be independent from and is now believed to be allowable, the rejection of claim 6 is also believed to be moot. In view of the amendment of claim 2 and the indication of allowable subject matter therein, it is submitted that claim 6, dependent directly from claim 2, is also allowable. Withdrawal of this rejection of claim 6 is respectfully requested.

Rejection of Claims 7-8 under 35 U.S.C. §103

Claims 7-8 stand rejected under 35 U.S.C. §103 as being unpatentable over either Spaulding or Cawley. Claim 8 has been cancelled without prejudice. Claim 7 has been amended to include substantially similar limitations to those found in claim 5, whose allowability over Cawley and Spaulding, has been indicated for reasons specified on page 12 of the present Office Action.

In view of the USPTO's admitted reasons for allowability of apparatus claim 5 and in view of the similarity of the limitations found in both claim 5 and amended claim 7, it is

submitted that claim 7 would not have been obvious to a person of ordinary skill in the art upon a reading of Cawley and Spaulding, either separately or in combination. Thus, it is submitted that claim 7 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

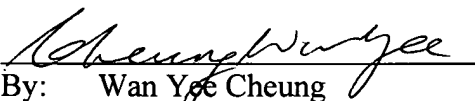
Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration of the application, and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants' attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 07-0832.

Respectfully submitted,


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